IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE BILAL NAZKI
and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 17081 of 2004

Between:
M/s. United Power Services, Kamayya Thopu, Vijayawada - 520 007, Krishna District, Rep by its Managing Partner Mr. Kodali Venkata Purnachandra Rao

..... PETITIONER

AND

1 Additional Commissioner Commercial Taxes (Legal), (FAC), O/o. The Commissioner of Commercial Taxes, M.J. Road, Opp. Gandhi Bhavan, Hyderabad.
2 Commercial Tax Officer, Benz Circle, Vijayawada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Certiorari or any other appropriate Writ or Order of Direction calling for the records of the 1st Respondent dt.26-8-2004 in Commissioner of Commercial Taxes Ref.No. LV(2)/1049/2004 and quash the same as arbitrary illegal and contrary to the decisions of this Hon'ble Court and consequently grant stay of collection of disputed tax of Rs. 4,99,492/- for the assessment years 1998-99 and 1999-2000 respectively pending disposal of the appeals before the Sales Tax Appellate Tribunal.

Counsel for the Petitioner:MR.SHAIK JEELANI BASHA

Counsel for the Respondent Nos.1 and 2: GP FOR COMMERCIAL TAX

The Court made the following O R D E R
(Per the Hon'ble Sri Justice Bilal Nazki)**:**

Rule Nisi. Learned Government Pleader for Commercial Taxes takes notice. At this stage, with the consent of the parties, the Writ Petitions is being disposed of.

The controversy is that pending appeals, applications for stay were dismissed by the competent authority. We have gone through the record and heard learned Counsel for the parties. We feel that the interest of justice would have been met if stay was granted pending appeals, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of eight weeks. For eight weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeals, provided the amount is deposited within eight weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeals.

The Writ Petition is accordingly disposed of. No order as to costs.

_____
(BILAL NAZKI, J)

23rd September, 2004.

_____
(S.ANANDA REDDY, J)

Note:Issue Operative Portion by wire at party's cost
B/o
vrn
To
1 Additional Commissioner Commercial Taxes (Legal), (FAC), O/o. The Commissioner of Commercial Taxes, M.J. Road, Opp. Gandhi Bhavan, Hyderabad.
2 Commercial Tax Officer, Benz Circle, Vijayawada, Krishna

District.

3 Two C.Cs to the Government Pleader for Commercial Taxes, High Court of A.P., Hyderabad (OUT)

4 Two C.D copies